

ORIGINAL

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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**  
**SAN DIEGO DIVISION**

1800 SOUTH MAPLE STREET, LLC, a  
California Limited Liability Company;  
RALPH J. GIANNELLA, an individual;  
GIANNELLA PROPERTIES, INC., a  
California Corporation; WILLIAM G.  
AYYAD, an individual; WILLIAM G.  
AYYAD, INC., a California Corporation; and  
PREMIER COMMUNITIES, LLC, a  
California Limited Liability Company.

Plaintiffs,

v.

ALLIED PROPERTY AND CASUALTY  
INSURANCE COMPANY, an Iowa  
Corporation; AMCO INSURANCE  
COMPANY, an Iowa Corporation;  
NATIONWIDE MUTUAL INSURANCE  
COMPANY, an Ohio Corporation, and DOES  
1 through 100, inclusive,

Defendants.

) CASE NO. 07-CV-2030

) **PLAINTIFFS' NOTICE OF MOTION**  
) **AND MOTION FOR ORDER**  
) **PERMITTING LEAVE TO FILE**  
) **AMENDED COMPLAINT; POINTS AND**  
) **AUTHORITIES**

) [Filed concurrently with Declaration of C.  
) Brant Noziska; Exhibits; Proposed Order]

) Date : February 29, 2008

) Time.: 1:30 P.M.

) Courtroom: Honorable Judge Jeffrey T. Miller

) Filed: September 10, 2007

) Trial:

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on February 29, 2008, at 1:30 p.m., or as soon thereafter as the matter may be heard by the above-entitled Court, located at 940 Front Street, San Diego, California, Plaintiffs 1800 SOUTH MAPLE STREET, LLC, a California limited liability company; RALPH J. GIANNELLA, an individual; GIANNELLA PROPERTIES, INC., a California corporation; WILLIAM G. AYYAD, an individual; WILLIAM G. AYYAD, INC., a California corporation; and PREMIER COMMUNITIES, LLC, a California Limited Liability Company, ("Plaintiffs") will hereby move this Court for an order permitting the filing of an amended complaint, adding MICHAEL EHRENFELD COMPANY – INSURANCE AGENTS & BROKERS as a defendant and causes of action for professional negligence and negligent misrepresentation on the part of said defendant. A copy of the proposed amended pleading is attached as Exhibit A to the Declaration of C. Brant Noziska.

The motion will be made on the ground that it is in the interests of justice and judicial efficiency to allow the proposed amendment. Said amendment is related to the subject matter of the existing controversy between the parties and will not result in prejudice to the defendant. Allowing the amendment would therefore promote the efficient resolution of all claims between the parties.

This motion will be based upon this notice of motion, the supporting declaration of C. Brant Noziska, the memorandum of points and authorities, the supporting evidence and exhibits, all filed concurrently herewith, the papers and records lodged with the Court and on file herein, matters of which this Court may take judicial notice, and such other and further evidence and argument as may be presented at the time of the hearing of this motion.

Dated: January 29, 2008

ROCKWOOD & NOZISKA, LLP

By: 

NEAL H. ROCKWOOD, ESQ.  
C. BRANT NOZISKA, ESQ.  
CHARLES L. FANNING IV, ESQ.  
Attorneys for Plaintiffs